

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DAVID FINKELSTEIN, *individually and on behalf of* :
all others similarly situated, :

Plaintiffs, :

-v- :

ANDREW FOX et al., :

Defendants. :
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24-CV-4056 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On April 14, 2025, Arena Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.


Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on December 13, 2024, ECF No. 63, Plaintiffs shall file any amended complaint by **May 5, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Arena Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed within 45 days, and any reply shall be filed within 30 days of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiff shall file any opposition to the motion to dismiss within 45 days of the motion's filing, and Defendant shall file any reply within 30 days of the opposition's filing. *See* ECF No. 63.

SO ORDERED.

Dated: April 16, 2025
New York, New York



JESSE M. FURMAN
United States District Judge